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 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

SECURITIES AND EXCHANGE  
 COMMISSION,

Plaintiff,

vs.

SMALL BUSINESS CAPITAL CORP.; MARK  
 FEATHERS; INVESTORS PRIME FUND, LLC;  
 and SBC PORTFOLIO FUND, LLC,

Defendants.

Case No. CV12-03237-EJD

**MARK FEATHERS' OMNIBUS  
 OPPOSITION TO RECEIVER'S  
 AND PROFESSIONAL'S FEE  
 APPLICATIONS (DOCKETS 1059  
 & 1060)**

**Date: September 17, 2015**

**Time: 9:00 a.m.**

**Ctrm: 4 – 5<sup>th</sup> Fl.**

**(Hon. Edward J. Davila)**

**ARGUMENT AGAINST PAYMENT TO THE RECEIVER AND HIS PROFESSIONALS**

The Receiver, Thomas A. Seaman, presents on appearance and in his actions that he is an agent, or an arm, of the Commission<sup>1</sup>. Seaman's motivations and his self-serving methods for his own financial gain have been questioned in scores of instances for several years' time to this court

<sup>1</sup>In a Motion for Intervention, Docket 389, page 4, line 28, fund investor Stephen Pahl, Esq., an experienced and successful attorney, argued that Seaman appears an "arm" of the Commission.

1 within many sworn court pleadings and letters to this Court.

2 Some of Seaman's recent and past notable character (or lack of character) demonstrations:

- 3 - In Docket 54, with an unsolicited letter to the Court, Seaman provided the court with false
- 4 statements about Feathers using investor money for car payments and fancy seafood
- 5 restaurant gift certificates for himself
- 6 - On June 23, 2015, Seaman submitted an opposition to Feathers' Motion for Leave (Docket
- 7 1056) one week after the opposition filing deadline, and with no reason given to the Court
- 8 as to why he and his counsel chose to violate Local Rule 7-3
- 9 - Seaman labeled SB Capital as a Ponzi scheme to scores of fund investors by way of emails
- 10 well before he had ever finished his forensic accounting report, and without providing
- 11 knowledge to Feathers that he was sending out such emails, and in blatant violation and
- 12 disregard to his duties and responsibilities of professionalism and neutrality as a Court
- 13 officer and as a fiduciary

14 Recently, the Receiver has squandered hundreds of thousands of dollars of the Receivership  
 15 Estates' assets and income. The hand-picked choice of Seaman to purchase the SBA Small  
 16 Business Lending Company license owned by the Receivership Estate was rejected by SBA.  
 17 Seaman touted extensively for some two years' time his qualifications to find the right buyer and  
 18 his sure-fire marketing methods. Seaman's buyer failed to perform. Seaman overlooked red flags  
 19 that indicated a high likelihood all along this was going to happen, such as the fact that the buyer  
 20 did not have capital on hand to acquire the Receivership Estate's license and loan portfolio, or even  
 21 a financing commitment from a lender in place to acquire these assets. Seaman then issued a  
 22 "special report" (Docket 1063) when the sale of these assets did not occur. That special report is an  
 23 exercise in finger pointing at other parties. The Court should admonish the Receiver for failing to  
 24 take responsibility for his failures, and disapprove all fees requested by the Receiver which are  
 25 traceable to his failure to execute on his commitment.

26 Respectfully,

27 

28 Mark Feathers, *pro se*

28 Dated: 6-24-15